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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,798	03/16/2004	Yucheng Pan		9212

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT PAPER NUMBER

3679

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/800,798	Applicant(s) PAN, YUCHENG	
	Examiner Victor MacArthur	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to for the following reasons:

- The figures include extraneous written matter. Drawing elements should be identified with reference characters, which are described in the specification. See MPEP §608.02.
- The solid black shading of the circular and rectangular weights is unacceptable. See MPEP §608.02.
- It appears that the posts of Figures 1 and 3 are not intended to be shown in cross section and as such should not be drawn with cross hatching. See MPEP §608.02.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because a BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS is missing.

The abstract of the disclosure is objected to because it contains phrases that can be implied. Correction is required. See MPEP § 608.01(b). The language of the abstract should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "is invented".

Appropriate correction is required.

Claim Objections

Claims 1, 8 and 9 are objected to because of the following informalities:

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- The claims include parentheses that enclose other than drawing reference characters.

Parentheses are allowed in the claims only to enclose drawing element reference characters; there can be no parenthetical recitations. The parentheses should be omitted from the claims. See MPEP § 608.01(m).

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what if any structure is being positively recited in claim 1 since the safety net system is not recited as --comprising-- anything. Rather the limitations of claim 1 appear to amount to nothing more than an intended use of the "safety net system". If the applicant is attempting to use Jepson formant then the claims should be amended to conform to 37 CFR 1.75(e).

The phrases "like", "or the like", "like shaped", etc., are recited throughout the claims. The addition of the word "like" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. It is unclear what the word "like" is intended to convey. See MPEP § 2173.05(b).

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Claim 6 recites the phrase "usually heavy" which is relative and renders the scope of the claims indeterminate, as it is unclear what elements are "heavy" and what elements are not. Furthermore, it is unclear exactly what frequency "usually" is meant to convey. Currently, the recitation "usually heavy" appears to merely be a recitation that constitutes a form of an example.

Claim 7 recites the phrase "such as" thereby rendering the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The claims have been rejected in view of the prior art as best understood by the examiner below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 rejected under 35 U.S.C. 102(e) as being anticipated by Rambaud (U.S. Patent 6,926,471).

Claim 1. Rambaud discloses (figs.1-8) a safety net system for restraining rockfall, debris flows, or the like by means of a continuous barrier sheet (12) formed by flexible mesh panels, cable nets, ring nets, or the like (col.3, ll.46-51), wherein for said safety net system said sheet is

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installed oblique to the ground or slope (13) over which said sheet is suspended, so that: a wedge-shaped or the like shaped space (space receiving rock fall as seen in figure 3) is formed between said sheet and said ground, with one closed side where said sheet and said ground meet; rockfall, debris, or the like goes into said space through the open side(s) of said space; impacts with debris or the like occur on the underside or facing said ground side of said sheet within said space; said space stores stopped objects and accumulated debris (as seen in figure 3).

Claim 2. Rambaud discloses a safety net system according to claim 1, wherein said sheet is supported by or attached to a looped frame cable (36) stretched to rectangular shape or the like (shape shown in fig.3); the lower side of said frame cable is held down close to said ground by means of anchors or the like (21) while the opposite side or the top side of said frame cable is held up by means of posts, tiebacks, supporting cables, or the like (24).

Claim 3. Rambaud discloses a safety net system according to claim 2, wherein said tiebacks are erected or supported by posts, natural topographic highs, or the like (18) and hold up said top side of said frame cable.

Claim 4. Rambaud discloses a safety net system according to claim 2, wherein a mesh screen or the like drape (mesh screen portion of 12) is draped from said top side of said frame cable.

Claim 5. Rambaud discloses a safety net system according to claim 2, wherein all the connections to said frame cable permit sliding (in that they do not prevent sliding of all elements).

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Claim 6. Rambaud discloses a safety net system according to claim 1, wherein objects (50), usually heavy, are attached to or are hung from supporting cables of said sheet for tensioning and braking of said sheet in case of impacts.

Claim 7. Rambaud discloses a weight tensioning and braking system for safety nets, impact fences, or the like, wherein said weight tensioning and braking system comprises one or more weights, such as metals, concretes, logs, rocks, or the like (18), attached or fixed to supporting or tieback cables (36) of impact fences or the like to create sagging of said supporting or tieback cables for the purpose of tensioning or braking, or both.

Claim 8. Rambaud discloses a weight tensioning and braking system according to claim 7, wherein said supporting or tieback cables are supported by erecting devices like posts (24) and are connected to said weights and flexible barrier sheets (12) at different or opposing sides of said erecting devices.

Claim 9. Rambaud discloses a weight tensioning and braking system according to claim 8, wherein said weights are connected to said supporting or tieback cables by means of strings of different lengths, said strings range from zero length said weights fixed on said supporting or tieback cables directly to lengths that allow said weights lying on ground (Rambaud discloses zero length direct engagement).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

VLM

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December 5, 2005

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